

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2013 – 52

AN ORDINANCE TO AMEND THE CLAYTON COUNTY ZONING ORDINANCE, SPECIFICALLY ARTICLE 1 “BASIC PROVISIONS” SO AS TO AMEND SECTION 1.5 “DEFINED WORDS”; ARTICLE 3 “ZONING DISTRICT INTENT, USES AND STANDARDS” SO AS TO AMEND SECTION 3.1 “AGRICULTURE DISTRICT INTENT, PERMITTED USES AND CONDITIONAL USES”; ARTICLE 6 “DEVELOPMENT STANDARDS” SO AS TO ADD SECTION 6.38 “AGRITOURISM, AGRITAINMENT AND SEASONAL SALES STANDARDS (AAS)”; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners has determined there is a need to revise Article 1 “Basic Provisions”, Section 1.5 “Defined Words”; Article 3 “Zoning District Intent, Uses and Standards”, Section 3.1 “Agriculture District Intent, Permitted Uses and Conditional Uses”; and Article 6 “Development Standards”, to add Section 6.38 “Agritourism, Agritainment and Seasonal Sales Standards (AAS)”.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY

BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

PART I

Section 1. The Clayton County Zoning Ordinance, as amended, is hereby further revised by amending Article 1 “Basic Provisions”, Section 1.5 “Defined Words” to include the following definition:

Agritourism or Agritainment: as it is defined most broadly, involves any agriculturally-based operation or activity that brings visitors to a farm or ranch. Agritourism includes a wide variety of activities, including farm markets, roadside stands, U-pick operations, ice cream/bakery facilities, Christmas tree farm, pumpkin patch, wineries and winery tours and tastings, local products retail operations (local crafts, food products), corn mazes, farm-related interpretive facilities and exhibits, agricultural educational experiences, agriculturally related events/fairs/festivals, on-site farm/garden/nursery tours, walking and bicycling tours and trails, bird watching, and horseback riding.

Section 2. The Clayton County Zoning Ordinance, as amended, is hereby further revised by amending Article 3 “Zoning District Intent, Uses and Standards”, Section 3.1 “Agriculture District Intent, Permitted Uses and Conditional Uses” as seen on “Exhibit A” attached hereto.

Section 3. The Clayton County Zoning Ordinance, as amended, is hereby further revised by amending Article 6 “Development Standards”, to add Section 6.38 “Agritourism, Agritainment and Seasonal Sales Standards (AAS)” as follows:

6.38 Agritourism, Agritainment, and Seasonal Sales Standards (AAS)

AAS-01: This Agritourism, Agritainment, and Seasonal Sales Standards section applies to the following district: AG.

- A. The site design standards for agritourism, agritainment, and/or seasonal sales are as follows:
1. Agritourism and agritainment establishments catering to outdoor group events shall meet the parking requirements for “stadium, sports arena or similar place of outdoor assembly” as detailed in the Parking Standards (PK) section of the Clayton County Zoning Ordinance.
 2. Seasonal sales establishments, including roadside stands, pumpkin patch, and pre-cut Christmas tree sales, shall meet the parking requirement for “outdoor commercial display and sales” as detailed in the Parking Standards (PK) section of the Clayton County Zoning Ordinance.
 3. Driving surfaces, including parking areas, interior drives, and ingress/egress must be stabilized with asphalt, concrete, gravel, and/ or permeable surfaces. Any such driving surface shall be treated as necessary to control dust.
 4. All parking areas shall be screened from neighboring properties.
 5. Where an agritourism, agritainment, and/or seasonal sales establishment is located adjacent to a residentially-zoned property, a 25 feet wide vegetative buffer, planted in accordance with Buffer Yard Type 2 in Article 6.35, shall be required along the property line between such uses. Undisturbed buffers are shall be maintained when vegetation already exists along subject property line.
 6. Any outdoor gather spaces, patios, pavilions, and/ or any other similar temporary or permanent open structures shall be located 50 feet from all residentially zoned properties.
 7. Entrance to agritourism and agritainment establishments must be from a collector or arterial roadway.
 8. Agritourism and agritainment establishments shall have hours of operation no earlier than 8:00 AM and no later than 10:00 PM, except when hours of operation are expressly decided by the Clayton County Board of Commissioners.
 9. Amplified sound or music shall only be permitted between the hours of 11:00 AM and 7:00 PM and as approved by the Clayton County Board of Commissioners.
 10. Sanitary facilities must be provided in accordance with the Clayton County Water Authority requirements.
 11. Signage shall meet the sign requirements for the AG district.
 12. Food and/or beverages provided for sale and/or consumption on the subject property must meet all federal, state, and local regulations.

13. Food and/or beverages should be limited to only those value-added products that are produced from or grown on the farm, unless they are secondary and incidental to the primary agritourism or agritainment establishment. In all cases the use of locally grown or produced food and/or beverages is encouraged.
14. All facilities must apply for and receive a Clayton County Business License.

PART II

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

PART III.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

PART IV.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO ORDAINED, this the 19th day of February, 2013.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN

 *opposed*
MICHAEL EDMONDSON, VICE-CHAIRMAN

 *2/19/13*
SONNA SINGLETON, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


SHANA M. ROOKS, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK